

E-FILED on 06/11/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAISY D. QUESADA,

Plaintiff,

v.

COMMUNITY LENDING, INC. DBA JMAC
LENDING, EMC MORTGAGE
CORPORATION, QUALITY LOAN
SERVICE, MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, INC., and all
persons unknown, claiming, any legal or
equitable right, title, estate, lien, or interest in
the property described in this complaint
adverse to Plaintiff's title thereto, and DOES 1
through 30, inclusive,

Defendants.

No. C-08-05790 RMW

ORDER REMANDING CASE TO SANTA
CLARA COUNTY SUPERIOR COURT

[Re Docket No. 12]


After defendants EMC Mortgage Corporation and Mortgage Electronic Registration Systems, Inc. removed this case from Santa Clara County Superior Court, plaintiff filed a first amended complaint which eliminated all claims for relief arising under federal law.

Ordinarily, if all claims over which a district court has original jurisdiction have been eliminated early in a removed action, the remaining state-law claims should be remanded to state court. *See Aciri v. Varian Assocs.*, 114 F.3d 999, 1001 (9th Cir.1997)(en banc); *see also id.* (O'Scannlain, J., dissenting). The court concludes here that it should not exercise supplemental

1 jurisdiction over the state-law claims. The court hereby remands this action to the Superior Court of
2 California, Santa Clara County.

3 The hearing on the motion to dismiss and the case management conference, presently
4 scheduled for June 12, 2009, are hereby vacated. The motion to dismiss is denied as moot.

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7 DATED: 06/11/09


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California

1 Notice of this document has been electronically sent to:

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7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

9
10 **Dated:** 06/11/09

JAS
11 **Chambers of Judge Whyte**